

**DEPARTMENT OF HEALTH
BOARD OF RESPIRATORY CARE
GENERAL BUSINESS MEETING
GENERAL RULES REVIEW
January 6, 2012
MINUTES**

**The Peabody Hotel
9801 International Drive
Orlando, Florida 32819
(407) 352-4000**

Call the Meeting to Order and Roll Call:

Bayyinah Sherrod, RRT, Chair, called the general business meeting to order at 8:35 a.m. Those present for the meeting, included the following:

Members Present

Bayyinah Sherrod, RRT, Chair
Bradley Killion, RRT
Dick Fields, RRT
Kevin Barrett, CRT
Peter Hendriksen, RRT

Staff Present

Allen Hall, Executive Director
Jessica Sapp, Program Operations Administrator

Board Counsel

Dror Lewy, Board Counsel
Office of the Attorney General

Consumer Member

Shawnta Friday-Stroud, Ph.D., Vice Chair

Prosecuting Attorney

Cecilie Sykes, DOH,
Assistant General Counsel

Court Reporter:

American Court Reporting
Heather K. Howard
3213 Cargill Drive
Orlando, FL 32806
(407) 896-1813
ReportingOrlando@aol.com

Dr. Martha Brown was present on behalf of the Professionals Resource Network, Inc. (PRN).

To accommodate individuals wishing to address the Board, the Board Chair may adjust the sequence of the agenda items. The minutes reflect the actual sequence of events rather than the original agenda order.

DISCIPLINARY PROCEEDINGS

Due to participation in the Probable Cause Panel, Ms. Sherrod was recused from Tabs 1, 4 through 6 and 11. Dr. Friday-Stroud was directed to chair said Tabs. Mr. Fields was recused from Tabs 3 and 6 through 10.

MOTION FOR BOARD'S FINAL ORDER AFTER HEARING NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT

TAB 1 Darrell L. Clark, DOH Case No: 2011-11408
Informal Hearing, (PCP Members – Sherrod, Nunez)

Respondent was not present nor represented by Counsel.

MOTION: Mr. Killion made a motion to table this case until the April 2012 Respiratory Care Board meeting. The motion was seconded by Mr. Barrett and carried 6/0.

TAB 2 Lori Anne Recchie, DOH Case No: 2010-16669
Informal Hearing, (PCP Members – Nunez, Fields)

Respondent was present and sworn in by the court reporter.

Ms. Sykes summarized the case for the Board. Respondent was charged with the following violation: Section 456.072 (1)(hh), Florida Statutes (2008), by being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in s.456.076, for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program.

The case was presented as a Hearing Not Involving Disputed Issues of Material Fact, which requires the Board to impose whatever discipline upon the Respondent's license that the Board deems appropriated and to assess costs of the investigation.

MOTION: Dr. Friday-Stroud made a motion to accept the investigative report into evidence for the purpose of imposing penalties; to make a finding that the Respondent was properly served and has requested an informal hearing; to adopt the findings of fact as set forth in the Administrative Complaint and to adopt the conclusions of law as set forth in the Administrative Complaint and find that this constitutes a violation of the Respiratory Care Practice Act. The motion was seconded by Ms. Sherrod and carried 5/0.

MOTION: After discussion, Dr. Friday-Stroud made a motion to revoke Ms. Recchie's license. The motion was seconded by Mr. Barrett.

After further discussion, Dr. Friday-Stroud withdrew the motion.

MOTION: Ms. Sherrod made a motion to reprimand the respondent's license. The motion was seconded by Dr. Friday-Stroud and carried 5/0.

MOTION: Dr. Friday-Stroud made a motion to assess the costs of \$1,128.59 to be paid within one (1) year of the filing of the Final Order. The motion was seconded by Mr. Hendriksen and carried 5/0.

MOTION: Mr. Barrett made a motion to require Ms. Recchie enter into a PRN contract within 30 days. The motion was seconded by Ms. Sherrod and carried 5/0.

MOTION FOR BOARD'S FINAL ORDER BY SETTLEMENT AGREEMENT

TAB 3 Level J. Senates, DOH Case No: 2011-03196

Settlement Agreement, (PCP Members – Fields, Weiss)

Respondent was not present nor represented by Counsel.

Ms. Sykes summarized the case for the Board. Respondent was charged with the following violations: **Count 1)** Section 456.072 (1)(x), Florida Statutes (2009), by failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been converted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. **Count 2)** Section 468.36 (1)(c), Florida Statutes (2009) by being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to respiratory care services or to the ability to deliver such services.

The case was presented as a Settlement Agreement that would impose the following penalties:

- Appearance
- Reprimand
- Fine of \$300.00 to be paid within two (2) years of the filing of the Final Order
- Costs of \$1,101.16 to be paid within two (2) years of the filing of the Final Order
- Probation for a period of six (6) month from the date of the filing of the Final Order and is subject to the following conditions:
 - Quarterly reports from the respondents' current employer (s)
 - All current and future settings in which the Respondent practices respiratory care shall be promptly informed of his probationary status

The Board agreed to move forward with this case without the Respondent being present.

MOTION: Ms. Sherrod made a motion to accept the Settlement Agreement. The motion was seconded by Mr. Hendriksen and carried 5/0.

TAB 4 Roanne Lorain Doyle, DOH Case No: 2010-00382
Settlement Agreement, (PCP Members – Sherrod, Nunez)

Respondent was present and sworn in by the court reporter.

Ms. Sykes summarized the case for the Board. Respondent was charged with the following violations: **Count 1)** Section 468.365 (1)(v), Florida Statutes (2008, 2009), by performing professional services which have not been duly ordered by a physician licensed pursuant to chapter 458 or chapter 459 and which are not in accordance with protocols established by the hospital, other care provider, or the board, except as provided in sis. 743.064, 766.13, and 768.13. **Count 2)** Section 468.365 (1)(t) Florida Statutes (2008, 2009), by failing to keep written respiratory care records justifying the reason for the action taken by the licensee. **Count 3)** Section 456.072(1)(o), Florida Statutes (2008, 2009), by practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.

The case was presented as a Settlement Agreement that would impose the following penalties:

- Appearance
- Reprimand

- \$150.00 fine to be paid within one (1) year of the filing of the Final Order
- Costs of \$1,544.05 to be paid within one (1) year of the filing of the Final Order

MOTION: Mr. Fields made a motion to accept the Settlement Agreement. The motion was seconded by Mr. Barrett and carried 5/0.

TAB 5 Cathleen Ann Plows, DOH Case No: 2010-00379
Settlement Agreement, (PCP Members – Sherrod, Nunez)

Respondent was not present nor represented by Counsel.

MOTION: Dr. Friday-Stroud made a motion to table this case until the April 2012 Board meeting. The motion was seconded by Mr. Killion and carried 5/0.

MOTION FOR BOARD'S FINAL ORDER BY HEARING NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT AND DETERMINATION OF RESPONDENT'S WAIVER OF RIGHT TO REQUEST A FORMAL HEARING

TAB 6 Frantz Jean Auguste, DOH Case No: 2010-01019
Informal Waiver/Default, (PCP Members – Sherrod, Nunez, Fields)

Respondent was not present nor represented by Counsel.

Ms. Sykes summarized the case for the Board. Respondent was charged with the following violations: **Count 1)** Section 456.072 (1)(w)(x), Florida Statutes (2003, 2004, 2009), by failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. **Count 2)** Section 468.365 (1)(c), Florida Statutes (2009), for being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, crime in any jurisdiction which directly relates to respiratory care services or to the ability to deliver such services.

The case was presented as a Hearing Not Involving Disputed Issues of Material Facts and determination of Respondent's waiver of right to request a formal hearing by default.

MOTION: Dr. Friday-Stroud made a motion to accept the investigative report and exhibits into evidence for the purposes of imposing penalty. The motion was seconded by Mr. Hendriksen and carried 4/0.

MOTION: Dr. Friday-Stroud made a motion to find that the Respondent was properly served and has waived his right to a formal hearing. The motion was seconded by Mr. Hendriksen and carried 4/0.

MOTION: Dr. Friday-Stroud made a motion to adopt the findings of fact and conclusions of Law as set forth in the Administrative Complaint and that this constitutes a violation of the Florida Statutes, as set forth in the Administrative Complaint. The motion was seconded by Mr. Hendriksen and carried 4/0.

MOTION: After discussion, Dr. Friday-Stroud made a motion to revoke Respondent's license. The motion was seconded by Mr. Barrett and carried 4/0.

MOTION: Dr. Friday-Stroud made a motion to access the costs of \$686.29 to be paid within one (1) year of the filing of the Final Order. The motion was seconded by Mr. Barrett and carried 4/0.

TAB 7 Rene Lara, DOH Case No: 2011-03295
Informal Waiver/Default, (PCP Members – Nunez, Fields)

Respondent was not present nor represented by Counsel.

Ms. Sykes summarized the case for the Board. Respondent was charged with the following violation: Section 456.072 (1)(hh), Florida Statutes (2010), by being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in s.456.076, for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program.

The case was presented as a Hearing Not Involving Disputed Issues of Material Facts and determination of Respondent's waiver of right to request a formal hearing by default.

MOTION: Ms. Sherrod made a motion to accept the investigative report and exhibits into evidence for the purposes of imposing penalty. The motion was seconded by Mr. Killion and carried 5/0.

MOTION: Ms. Sherrod made a motion to find that the Respondent was properly served and has waived his right to a formal hearing. The motion was seconded by Mr. Killion and carried 5/0.

MOTION: Ms. Sherrod made a motion to adopt the findings of fact and conclusions of Law as set forth in the Administrative Complaint and that this constitutes a violation of the Florida Statutes, as set forth in the Administrative Complaint. The motion was seconded by Mr. Killion and carried 5/0.

MOTION: After discussion, Ms. Sherrod made a motion to revoke the Respondent's license. The motion was seconded by Mr. Killion and carried 5/0.

MOTION: Dr. Friday-Stroud made a motion to access the costs of \$1024.54 to be paid within one (1) year of the filing of the Final Order. The motion was seconded by Ms. Sherrod and carried 5/0.

TAB 8 Luidgi Mary, DOH Case No: 2010-11176
Informal Waiver/Default, (PCP Members – Nunez, Fields)

Respondent was not present nor represented by Counsel.

Ms. Sykes summarized the case for the Board. Respondent was charged with the following violation: Section 468.365(1)(b), Florida Statutes (2009), for having licensure, certification, registration, or other authority, by whatever name known, to deliver respiratory care services revoked, suspended, or otherwise acted against, including the denial of licensure, certification, registration, or other authority to deliver respiratory care services by the licensing authority of another state, territory, or country.

The case was presented as a Hearing Not Involving Disputed Issues of Material Facts and determination of Respondent's waiver of right to request a formal hearing by default.

MOTION: Ms. Sherrod made a motion to accept the investigative report and exhibits into evidence for the purposes of imposing penalty. The motion was seconded by Mr. Killion and carried 5/0.

MOTION: Ms. Sherrod made a motion to find that the Respondent was properly served and has waived his right to a formal hearing. The motion was seconded by Dr. Friday-Stroud and carried 5/0.

MOTION: Ms. Sherrod made a motion to adopt the findings of fact and conclusions of Law as set forth in the Administrative Complaint and that this constitutes a violation of the Florida Statutes, as set forth in the Administrative Complaint. The motion was seconded by Mr. Hendriksen and carried 5/0.

MOTION: After discussion, Ms. Sherrod made a motion to revoke the Respondent's license. The motion was seconded by Mr. Barrett and carried 5/0.

MOTION: Ms. Sherrod made a motion to access the costs of \$680.28 to be paid within one (1) year of the filing of the Final Order. The motion was seconded by Mr. Barrett and carried 5/0.

TAB 9 Joseph Papale, Jr., DOH Case No: 2010-01019
Informal Waiver/Default, (PCP Members – Fields, Weiss)

Respondent was not present nor represented by Counsel.

Ms. Sykes summarized the case for the Board. Respondent was charged with the following violation: Section 456.072 (1)(q), Florida Statutes (2010), by violating a lawful order of the department or the board.

The case was presented as a Hearing Not Involving Disputed Issues of Material Facts and determination of Respondent's waiver of right to request a formal hearing by default.

MOTION: Ms. Sherrod made a motion to accept the investigative report and exhibits into evidence for the purposes of imposing penalty. The motion was seconded by Mr. Hendriksen and carried 5/0.

MOTION: Ms. Sherrod made a motion to find that the Respondent was properly served and has waived his right to a formal hearing. The motion was seconded by Mr. Hendriksen and carried 5/0.

MOTION: Ms. Sherrod made a motion to adopt the findings of fact and conclusions of Law as set forth in the Administrative Complaint and that this constitutes a violation of the Florida Statutes, as set forth in the Administrative Complaint. The motion was seconded by Mr. Hendriksen and carried 5/0.

MOTION: After discussion, Dr. Friday-Stroud made a motion to impose the following penalties:

- Reprimand
- License shall be suspended until Respondent complies with the terms of Final Order in Case Number 2010-06705. Respondent shall in no way participate in the delivery of respiratory care services during suspension.
- \$1,000.00 fine to be paid within one (1) year of the filing of the Final Order

The motion was seconded by Ms. Sherrod and carried 5/0.

MOTION: Dr. Friday-Stroud made a motion to access the costs of \$781.62 to be paid within one (1) year of the filing of the Final Order. The motion was seconded by Ms. Sherrod and carried 5/0.

TAB 10 Ernestine Wallace, DOH Case No: 2010-23820
Informal Waiver/Default, (PCP Members – Fields, Weiss)

Respondent was not present nor represented by Counsel.

Ms. Sykes summarized the case for the Board. Respondent was charged with the following violation: Section 456.072 (1)(q), Florida Statutes (2010), by violating a lawful order of the department or the board.

The case was presented as a Hearing Not Involving Disputed Issues of Material Facts and determination of Respondent's waiver of right to request a formal hearing by default.

MOTION: Ms. Sherrod made a motion to accept the investigative report and exhibits into evidence for the purposes of imposing penalty. The motion was seconded by Mr. Killion and carried 5/0.

MOTION: Ms. Sherrod made a motion to find that the Respondent was properly served and has waived his right to a formal hearing. The motion was seconded by Mr. Hendriksen and carried 5/0.

MOTION: Ms. Sherrod made a motion to adopt the findings of fact and conclusions of Law as set forth in the Administrative Complaint and that this constitutes a violation of the Florida Statutes, as set forth in the Administrative Complaint. The motion was seconded by Mr. Killion and carried 5/0.

MOTION: After discussion, Dr. Friday-Stroud made a motion to impose the following penalties:

- Reprimand
- License shall be suspended until Respondent complies with the terms of Final Order in Case Number 2010-02993. Respondent shall in no way participate in the delivery of respiratory care services during suspension.
- \$1,000.00 fine to be paid within one (1) year of the filing of the Final Order

The motion was seconded by Mr. Barrett and carried 5/0.

MOTION: Ms. Sherrod made a motion to access the costs of \$242.25 to be paid within one (1) year of the filing of the Final Order. The motion was seconded by Mr. Barrett and carried 5/0.

MOTION FOR BOARD'S FINAL ORDER BY VOLUNTARY RELINQUISHMENT OF LICENSE

TAB 11 Carlos Leonard Rodriguez, DOH Case No: 2010-00381
Voluntary Relinquishment, (PCP Members – Sherrod, Nunez)

Respondent was not present nor represented by Counsel.

Ms. Sykes summarized the case for the Board. Respondent was charged with the following violations: **Count 1)** Section 468.365 (1)(v), Florida Statutes (2008, 2009), by performing professional services which have not been duly ordered by a physician licensed pursuant to

chapter 458 or chapter 459 and which are not in accordance with protocols established by the hospital, other care provider, or the board, except as provided in sis. 743.064, 766.13, and 768.13. **Count 2)** Section 468.365 (1)(t) Florida Statutes (2008, 2009), by failing to keep written respiratory care records justifying the reason for the action taken by the licensee. **Count 3)** Section 456.072(1)(o), Florida Statutes (2008, 2009), by practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.

MOTION: After discussion, Dr. Friday-Stroud made a motion to accept the Voluntary Relinquishment. The motion was seconded by Mr. Hendriksen and carried 5/0.

TAB 12 Leila T. Kantack, DOH Case No: 2011-12003
Voluntary Relinquishment, (PCP Members – Waived)

Respondent was not present nor represented by Counsel.

Ms. Sykes summarized the case for the Board. Respondent was charged with the following violation: Section 468.365 (1) (x), (Florida Statutes (2009), by violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto, by violating Rule 64B32-6.001(2), F.A.C, states that each licensee shall submit proof satisfactory to the Board of participation in appropriate continuing education. During each biennium, as established by the Department, each licensee must earn 24 contact hours of continuing education.

MOTION: After discussion, Dr. Friday-Stroud made a motion to accept the Voluntary Relinquishment. The motion was seconded by Mr. Hendriksen and carried 6/0.

PROSECUTOR'S REPORT

TAB 13 Prosecuting Attorney – Cecilie Sykes

- PSU Respiratory Care Inventory

PSU Inventory = 22

Pre-Probable Cause Complaints

Under Legal Review	2
Awaiting PCP	0
Holding Status	0
Sent in VR	0
Expert Review	0
Order to Compel Requested	0
Priority One Cases in EAU	3
<hr/>	
Subtotal	5

Post-PCP Complaints

Presented at Current Board	13
Awaiting Proper Service/diligent search	4

Awaiting Reconsideration at next PCP	0
Possible Consideration for DOAH	0
Post Board-Counter-offer	0
<hr/>	
Subtotal	17
<hr/>	
Total Cases	22

Total Number of Cases Older Than One Year:

2010: 8 All 8 cases are on the current Board agenda.

Total: 8

MOTION: Ms. Sherrod made a motion to allow prosecution to continue prosecuting year old cases. The motion was seconded by Dr. Friday-Stroud and carried 6/0.

ADMINISTRATIVE PROCEEDINGS

PERSONAL APPEARANCE PURSUANT TO §456.013(3)(c), F.S.

TAB 14 Gary Lee Smith Sr., Registered Respiratory Therapist

Mr. Smith was present and sworn in by the court reporter.

He was requested to appear before the board due to the “yes” answers in the disciplinary history section of his application.

MOTION: After discussion, Dr. Friday-Stroud made a motion to grant licensure with no conditions. The motion was seconded by Mr. Fields and carried 6/0.

TAB 15 Stanley Eugene Holland, Certified Respiratory Therapist

Mr. Holland was not present nor represented by Counsel.

MOTION: After discussion, Ms. Sherrod made a motion to table this tab until the next regularly scheduled meeting, April 2012, due to non-appearance. Mr. Holland is required to appear or the application for licensure will be denied, pursuant to Section 456.013(3)(c), Florida Statutes. The motion was seconded by Dr. Friday-Stroud and carried 6/0.

TAB 16 Brandy Lea Crenshaw, Registered Respiratory Therapist

Ms. Crenshaw was present and sworn in by the court reporter.

She was requested to appear before the board due to the “yes” answer in the personal history section of her application.

MOTION: After discussion, Dr. Friday-Stroud made a motion to grant licensure with no conditions. The motion was seconded by Ms. Sherrod and carried 6/0.

TAB 17 Marci Ann Stone, Registered Respiratory Therapist

Ms. Stone was present and sworn in by the court reporter.

She was requested to appear before the board due to the “yes” answer in the disciplinary history section of her application.

MOTION: After discussion, Mr. Killion made a motion to grant licensure with no conditions. The motion was seconded by Dr. Friday-Stroud and carried 6/0.

TAB 18 Laura Anne Buck, Registered Respiratory Therapist

Ms. Buck was not present not represented by Counsel.

The Board tabled this tab until the next regularly scheduled meeting, April 2012, due to non-appearance. Ms. Buck is required to appear or the application for licensure will be denied, pursuant to Section 456.013(3)(c), Florida Statutes.

TAB 19 Robert Stanley Kusmierz, Certified Respiratory Therapist

Mr. Kusmierz was present and sworn in by the court reporter.

He was requested to appear before the board due to the “yes” answers in the criminal and disciplinary history sections of his application.

MOTION: After discussion, Mr. Killion made a motion to grant licensure with no conditions. The motion was seconded by Dr. Friday-Stroud and carried 6/0.

TAB 20 Jeremy Matthew Bain, Registered Respiratory Therapist

Mr. Bain was present and sworn in by the court reporter.

He was requested to appear before the board due to the “yes” answers in the criminal history section of his application.

MOTION: After discussion, Mr. Hendriksen made a motion to grant licensure with no conditions. The motion was seconded by Ms. Sherrod and carried 5/1. Mr. Barrett opposed.

REQUEST FOR CONSIDERATION OF EXEMPTION FOR DISQUALIFICATION FROM EMPLOYMENT

TAB 21 Valerie Reed, TT8140

Ms. Reed was not present nor represented by Counsel.

She submitted an application for Exemption from Disqualification to seek employment in a health care facility licensed under Chapter 400, Florida Statutes. Ms. Reed has a Clear/Active Florida license with no discipline history.

MOTION: After discussion, Mr. Hendriksen made a motion to grant Ms. Reed's request for an Employment Exemption. The motion was seconded by Mr. Fields and carried 6/0.

TAB 22 Cicely Jordan Jones, TT12579

Ms. Jones was not present nor represented by Counsel.

She submitted an application for Exemption from Disqualification to seek employment in a health care facility licensed under Chapter 400, Florida Statutes. Ms. Jones has a Clear/Active Florida license with no discipline history.

MOTION: After discussion, Mr. Fields made a motion to grant Ms. Jones' request for an Employment Exemption. The motion was seconded by Mr. Hendriksen and carried 5/1. Ms. Sherrod opposed.

TAB 23 Ronnie Blanchard, RT 7028

Mr. Blanchard was not present nor represented by Counsel.

He submitted an application for Exemption from Disqualification to seek employment in a health care facility licensed under Chapter 400, Florida Statutes. Mr. Blanchard has a Clear/Active Florida license with no discipline history.

MOTION: After discussion, Mr. Fields made a motion to grant Mr. Blanchard's request for an Employment Exemption. The motion was seconded by Mr. Killion and carried 6/0.

TAB 24 Tommy Memolo, TT 13804

Mr. Memolo was present and sworn in by the court reporter.

He submitted an application for Exemption from Disqualification to seek employment in a health care facility licensed under Chapter 400, Florida Statutes. Mr. Memolo has a Clear/Active Florida license with no discipline history.

MOTION: After discussion, Mr. Barrett made a motion to grant Mr. Memolo's request for an Employment Exemption. The motion was seconded by Mr. Hendriksen and carried 6/0.

Dr. Friday-Stroud left the meeting early.

APPLICANT RATIFICATION LISTS

TAB 25 Ratification of Certified Respiratory Therapists

MOTION: Ms. Sherrod made a motion to ratify the list of 80 names (Exhibit A), beginning with Delmas Hyppolite and ending with Patricia Ann Anderson for CRT licensure by endorsement. The motion was seconded by Mr. Hendriksen and carried 5/0.

TAB 26 Ratification of Registered Respiratory Therapists

MOTION: Ms. Sherrod made a motion to ratify the list of 186 names (Exhibit B), beginning with Dawn Marie Simile and ending with Benison Voltaire for RRT licensure by endorsement. The motion was seconded by Mr. Hendriksen and carried 5/0.

REPORTS

TAB 27 Dror Lewy, Assistant Attorney General

- Rules Report

Mr. Lewy presented the following rules report to the Board.

- 64B32-2.001 License by Endorsement

Notice published on December 16, 2011.

- 64B32-6.001 Continuing Education Requirements

Notice published on December 16, 2011.

- Executive Order 11-211 from the Governor's Office regarding OFARR procedures

The Board agreed to allow Board Counsel to parallel file rules with the Florida Administrative Weekly (FAW) and the Office of Fiscal Accountability and Regulatory Reform (OFARR).

TAB 28 Board Chair, Bayyinah Margaret Sherrod

None.

TAB 29 Executive Director, Allen Hall

- Expenditures by Function – *Informational*
- Cash Balance Report – *Informational*
- Report of Fines and Costs Imposed and Collected in the last 5 years for the Board of Respiratory Care

At the October 2011 meeting of the Board, it was requested of staff to provide a report of the fines and costs imposed and collected over the past five years, with the disposition codes and description guide, reporting data from July 2006 June 2011. This was informational only.

- Budget Liaison Training

There will be a Budget Liaison training held in Tallahassee, Florida on February 20, 2012, regarding the budget process. The Boards Budget Liaison is encouraged to attend.

OLD BUSINESS

TAB 30 Laws and Rules Continuing Education Course Development

The Board is currently developing a laws and rules continuing education course that will be required of all licensees for renewal. At the October 2011 meeting of the Board, it was decided members would submit their suggestions for course content to the Board staff.

After discussion, it was suggested that licensees be required to complete this continuing education (CE) course on laws and rules for their first renewal only. Current licensees would be required to complete the course by 2015 renewal. The course must include renewal CE requirements, and disciplinary guidelines.

Board members will send all language for specific requirements to the Board office on or before February 29th and the information will be forwarded to Mr. Lewy to place in rule form.

Ms. Sandra Smith with Florida Medical Education Services (FMES) was allowed to address the Board. She informed them of an existing Laws and Rules course available online under the FMES website, www.FMES.net.

TAB 31 October 7, 2011 General Business Meeting Minutes

MOTION: Mr. Hendriksen made a motion to approve the minutes as presented. The motion was seconded by Mr. Barrett and carried 6/0.

NEW BUSINESS

TAB 32 Number of Respiratory Therapists holds both CRT and RRT licenses

At the October 2011 meeting of the Board, it was requested of staff to research how many Florida respiratory therapists hold both a CRT and RRT license. The 2010-2011 Medical Quality Assurance Annual Report indicates there are 4,570 CRTs and 7,493 RRTs, totaling 12,063. Out of that total 109 hold both a CRT and RRT license. This is informational only.

TAB 33 Election of Officers

The Board held their annual election of officers.

Board Chair – Ms. Bayyinah Sherrod
Vice Chair – Dr. Shawnta Friday-Stroud
Legislative Liaison – Mr. Peter Hendriksen
Budget Liaison – Mr. Dick Fields
Unlicensed Activity Liaison – Mr. Kevin Barrett
Education Liaison – Mr. Bradley Killion
Enforcement Liaison – Mr. Dick Fields

MOTION: After discussion, Ms. Sherrod made a motion to ratify the above mentioned elections. The motion was seconded by Mr. Killion and carried 5/0.

TAB 34 Delegation of Authority

After discussion of Delegation of authority the following action was taken:

MOTION: Ms. Sherrod made a motion to approve the Delegation of Authority as presented (Exhibit C). The motion was seconded by Mr. Hendriksen and carried 5/0.

OTHER BUSINESS AND INFORMATION

TAB 35 Staff Recognition Correspondences *(Informational)*

There being no further business before the Board, the meeting was adjourned at 12:20 p.m.

**CERTIFIED RESPIRATORY THERAPISTS
LIST FOR RATIFICATION**

1. Hyppolite, Delmas	TT	15143
2. Freer, Alexandra Davit	TT	15144
3. Lichtenberger, Alexis Barbara	TT	15145
4. Sake, Kamoru Oluwafemi	TT	15146
5. Andre, Dieudonne	TT	15147
6. Saint-Cyr, Kerry-Ann Nichole	TT	15148
7. Isme, Rica	TT	15149
8. Chery, Roseline	TT	15150
9. Galvez, Mery	TT	15151
10. Grant, Nordian Casanda	TT	15152
11. Lalague, Kettny	TT	15153
12. Dorismond, Merline	TT	15154
13. Timones, Raechelle Ladao	TT	15155
14. Nash, James Thomas li	TT	15156
15. Soivilien, Lisemona	TT	15157
16. Wilcher, Keichelle Darshae	TT	15158
17. Voltaire, Yolene	TT	15159
18. Blouch, Dietra Crystal	TT	15160
19. Loftin, Tonya Christene	TT	15161
20. Hale, Brenda L Mrs	TT	15162
21. Reese, Anastasia Nicole	TT	15163
22. Cropf, Elena Lontajo	TT	15164
23. Horace, Jean Claude	TT	15165
24. Kerce, Anna	TT	15166
25. Pierre, Achille	TT	15167
26. Gonzalez, Myra Elena	TT	15168
27. Philippe, Augustin	TT	15169
28. Ickes, Peggy Ann	TT	15170
29. Soto, Edwin Sr	TT	15171
30. Volmy, Charlene	TT	15172
31. Myrtyl, Pascal	TT	15173
32. Exume, Kettly Jeamty	TT	15174
33. Carey, Michael Lee	TT	15175
34. Metellus, Laudia	TT	15176
35. Morales, Juan Alberto	TT	15177
36. Bellamy-Pippens, Paula L	TT	15178
37. Jean, Roseflore Desiree	TT	15179
38. Hart, John Bindley	TT	15180
39. Rivera, Julio C	TT	15181
40. Sanchez, Owen Manuel	TT	15182
41. Jean-Louis, Irma	TT	15183
42. Petit-Frere, Jimmy	TT	15184
43. Hall, Jennifer Anne	TT	15185
44. Altidor, Elsie	TT	15186

45. Gonzalez, Elisa	TT	15187
46. Rudnitsky, Nataliya	TT	15188
47. Fraser, Josuhua Smitasundara	TT	15189
48. Guillen, Gonzalo	TT	15190
49. Robinson, Michael Wayne	TT	15191
50. Meehan, Aaron Scott	TT	15192
51. Martinez, Nora Marbely	TT	15193
52. Gilmore, Justin Vernard	TT	15194
53. Rollins, Donna M	TT	15195
54. Romain, Jean Sergo	TT	15196
55. Jackson, Tammy Diane	TT	15197
56. Calderin, Raul	TT	15198
57. Jackson, Natasha Fiona	TT	15199
58. Jeune, Gesnie	TT	15200
59. Driver, Justin Phillip	TT	15201
60. Foster, Eugenia Elizabeth	TT	15202
61. Moleon, Chantale	TT	15203
62. Jackson, Garnette Relaine	TT	15204
63. Shade, Michael Leroy	TT	15205
64. Clemmons, Lesley Ann	TT	15206
65. Shaner, Lisa Marie	TT	15207
66. Tabango, Brandon Luis	TT	15208
67. Jana, Linda Jean	TT	15209
68. Adonis, Myrlene	TT	15210
69. Menendez Ripoll, Alexander	TT	15211
70. Metellus, Magdalie Accilien	TT	15212
71. Johnson, Darrell Eugene	TT	15213
72. Thompson, Wanda Denise	TT	15214
73. Upton, Fanny Annette	TT	15215
74. Casanova, Karla M	TT	15216
75. Vargas, Brenda Joyce	TT	15217
76. Van Dyke, Lana E	TT	15218
77. Pierre, Endide	TT	15219
78. Stewart, Marvel Anthony	TT	15220
79. Willis, Melissa Ann	TT	15221
80. Anderson, Patricia Ann	TT	15222

**REGISTERED RESPIRATORY THERAPISTS
LIST FOR RATIFICATION**

1. Similo, Dawn Marie	RT	11564
2. Quezada, Jessica Michelle	RT	11565
3. Alexander, Jernel	RT	11566
4. Hotaling, Faith Michelle	RT	11567
5. Noah, Nancy Kathleen	RT	11568
6. Brewster, Canbris Nicole	RT	11569
7. Labrador, Andrea	RT	11570
8. Harris, Kevin Lee	RT	11571
9. Espinal Cruz, Tania Nicole	RT	11572
10. Lukaszewski, Emily Loren	RT	11573
11. Blanc, Linda	RT	11574
12. Maxwell, Dorothy Elizabeth	RT	11575
13. Goff, Christine Michelle	RT	11576
14. Grace, Deanna Marie	RT	11577
15. Bautista, Jorge Antonio	RT	11578
16. Fenelon, Jean R	RT	11579
17. Joshi, Rajesh Kumar	RT	11580
18. Warman, Richard Mays	RT	11581
19. Curren, Kelly Howard	RT	11582
20. Thimotee, Waldoph	RT	11583
21. Cox, Taja	RT	11584
22. Smith, Dustin William-Ray	RT	11585
23. Walys, Amal	RT	11586
24. Sampedro, Rosa	RT	11587
25. Sanon, Willy	RT	11588
26. Louis, Marie Carmele	RT	11589
27. Wood, Penninah Rebecca	RT	11590
28. Mallory, Carolyn Denise	RT	11591
29. Gibbemeyer, Julie Anne	RT	11592
30. Stepp, Roy Timothy	RT	11593
31. Masani, Jigisha Divyesh	RT	11594
32. Kudryavova, Tetyana	RT	11595
33. Nimis, Jessica Marie	RT	11596
34. Posey, Justin Clay	RT	11597
35. Waszak, Stephen Edward	RT	11598
36. Dupont, Ernest Frank Iii	RT	11599
37. Jean-Philippe, Islande	RT	11600
38. Rush, Chrisena Tamile	RT	11601
39. Shatner, Joseph Dillan	RT	11602
40. Varghese, Aji	RT	11603
41. Litzenberger, Alexis Barbara	RT	11604
42. Murphy, Kristen Jo	RT	11605
43. Brutus, Joselande	RT	11606
44. Hilton, Todd Andrew	RT	11607
45. Young, Patrick Jason	RT	11608

46. Jean Baptiste, Guirlene	RT	11609
47. John, Biju	RT	11610
48. Brooks, Antwan Tyrell	RT	11611
49. Rinville, Ernst L	RT	11612
50. Hernandez, Jose Roman	RT	11613
51. Lavine, Lauren Ashley	RT	11614
52. Figueroa, Maylen	RT	11615
53. Tuck, Tamara Leeann	RT	11616
54. Sullivan, Michael Kevin	RT	11617
55. Mantei, Kevin Mr	RT	11618
56. Amatucci, Gerald R	RT	11619
57. Paulo, Mathew Vale	RT	11620
58. Pagano, Victoria Ann	RT	11621
59. Holder, Nicole Lynn	RT	11622
60. Pulliam, Susan Marie	RT	11623
61. Thomas, Courtney	RT	11624
62. Turano, Lynn Erin	RT	11625
63. Kroll, Zaneta M	RT	11626
64. Turner, Heather Lynette	RT	11627
65. Faurot, Bobbi Jo	RT	11628
66. Robbins, Yvonne Marie	RT	11629
67. Stauffer, Danielle	RT	11630
68. Oriental, Sandra	RT	11631
69. Franklin, Pamela Rachel	RT	11632
70. Holland, Katylee	RT	11633
71. Howard, Beau	RT	11634
72. Jennett, Jeffrey Miller	RT	11635
73. Klepinger, Elizabeth Carol	RT	11636
74. Allen, Nicole Renae	RT	11637
75. Bell, Lisa Christine	RT	11638
76. Boston, Dianne L	RT	11639
77. Leveille, Viergina	RT	11640
78. Chinnis, Beverly Ann	RT	11641
79. Watson, Krystina Leigh	RT	11642
80. Haskins, Denise Lea	RT	11643
81. Valentine, Shakesa Lywanda	RT	11644
82. Davis, Kathleen Anne	RT	11645
83. Trumbetta, Mary Davis	RT	11646
84. Dye, Kelly Laite	RT	11647
85. Grzymkowski, Krysa Claire	RT	11648
86. Bailey, Chauncey Alston Iii	RT	11649
87. Moskowitz, Susan Marie	RT	11650
88. Pompee, Sabine M Sp	RT	11651
89. Giordano, Kay Lynn	RT	11652
90. De Luca, Cheryl Lynne	RT	11653
91. Dorvilus, Katia	RT	11654
92. Stump, Elvia Aime'	RT	11655
93. Spencer, James A li	RT	11656
94. Frison, Marcus Allen	RT	11657
95. Timah, Assi I	RT	11658

96.	Austin, Richard Bruce Jr	RT	11659
97.	Agosto, Gregory	RT	11660
98.	Sherry, Melida Ivette	RT	11661
99.	Parra, Dora P	RT	11662
100.	Baldwin, Clarence S	RT	11663
101.	Buenrostro, Natalie Solis	RT	11664
102.	Davey, Stacy Marie	RT	11665
103.	Kellar, Tammy Hardison	RT	11666
104.	Shade, Sheneca	RT	11667
105.	Fox, Joshua T	RT	11668
106.	Saint-Cyr, Kerry-Ann Nichole	RT	11669
107.	Joseph, Anise M	RT	11670
108.	Garcia, Anamary	RT	11671
109.	Manning, Catherine Anne	RT	11672
110.	Arias, Maximiliano	RT	11673
111.	Hazelwood, Kevin Blake	RT	11674
112.	Ambra, Giuseppe	RT	11675
113.	Gray, Tina Elizabeth	RT	11676
114.	Louissaint, Nadine Janice F	RT	11677
115.	Jones, Albert Elijah	RT	11678
116.	Tanis, Mathanie	RT	11679
117.	Benton, Felecia Adele	RT	11680
118.	Johnston, Matthew A	RT	11681
119.	Kassner, Glemour Rose	RT	11682
120.	Petty, Yolanda Jones	RT	11683
121.	Wallace, Ashley Nicole	RT	11684
122.	Archange, Betty	RT	11685
123.	Robinson, Carrie Ann	RT	11686
124.	Parker, Brian Jon	RT	11687
125.	Alongi, Charles Peter	RT	11688
126.	Young, George Franklin	RT	11689
127.	Wallace, Lalesa	RT	11690
128.	Barfield, Audrey Pearl	RT	11691
129.	Louine, Guy Mathias	RT	11692
130.	Bischof, Diana	RT	11693
131.	Cusic, Kelli Carolyn	RT	11694
132.	Davis, Geoffrey Jon	RT	11695
133.	Figueroa, Krista Kay	RT	11696
134.	Falconer, Shaunekah Elizabeth	RT	11697
135.	Figueroa, Marilyn C	RT	11698
136.	Nickles, Magen Nicole	RT	11699
137.	Simo, Sean Adam	RT	11700
138.	Tymoniewicz, Charlotte Fay	RT	11701
139.	Teboul, Lucilla	RT	11702
140.	Catlett, Tami Rene	RT	11703
141.	Rene, Jhon Makenley	RT	11704
142.	Thomas, Julia A	RT	11705
143.	Cepero, Alejandro G	RT	11706
144.	Payne, Shirley Jean	RT	11707
145.	Mestre, Ericia Lynn	RT	11708

146.	Richard, Rivelino	RT	11709
147.	Aquil, Zakiyyah Yasmine	RT	11710
148.	Kraker, Walter Louis Jr	RT	11711
149.	Mccullar, Stephanie	RT	11712
150.	Howell, Teletha Ann	RT	11713
151.	Francisco-Garcia, Eulalia	RT	11714
152.	Jones, Ashley Victoria	RT	11715
153.	Matsekha, Yegor	RT	11716
154.	Torres, Jaime	RT	11717
155.	Sadr, Kamel	RT	11718
156.	Montero, Philip	RT	11719
157.	Meza, Martha	RT	11720
158.	Moss, Laura Ellen	RT	11721
159.	St Clair, David W	RT	11722
160.	Muller, Matthew Thomas	RT	11723
161.	Compere, Renoze	RT	11724
162.	Studnicka, Shayna Dawn	RT	11725
163.	Odestin, Wilbert	RT	11726
164.	Hobday, Damon Delbert	RT	11727
165.	Patel, Julie Pravinkumar	RT	11728
166.	Duckworth, Coleen Joan	RT	11729
167.	Stone, Nesha Kessinger	RT	11730
168.	Cartin, Emily Maria	RT	11731
169.	Moreno, Kenia Maria	RT	11732
170.	Ravi, Anilkumar M	RT	11733
171.	Foster, Eugenia Elizabeth	RT	11734
172.	Gover, Erica Allyson	RT	11735
173.	Sprenkle, Robert Aron	RT	11736
174.	Murphy, William Jr	RT	11737
175.	Vargas, Jaime	RT	11738
176.	Watkins, Carolyn O'Nise	RT	11739
177.	Pena, Jessica Barbara	RT	11740
178.	Dorcin, Carline	RT	11741
179.	Stanback, Kanika Janelle Na	RT	11742
180.	Banos, Arturo	RT	11743
181.	Behbood, David	RT	11744
182.	Yost, Mark Edward	RT	11745
183.	Martinez, Claudia Helena	RT	11746
184.	Margjoni, Pierre	RT	11747
185.	Smolinski, Scott Thomas	RT	11748
186.	Voltaire, Benisco	RT	11749



Rick Scott
Governor

H. Frank Farmer, Jr., MD, PhD, FACP
State Surgeon General

TO: Board of Respiratory Care
FROM: Allen Hall, Executive Director
SUBJECT: Delegation of Authority
DATE: January 6, 2012

We have prepared the table below with options for delegating authority to the Chair, full Board, Executive Director or Program Administrator. We have included suggested delegated authority in the table based on what we have seen with other Boards. These are only suggestions and can be changed as the Board deems appropriate.

Situation	Delegate Authority to Board Chair	Delegate Authority to Education Liaison Member	Delegate Authority to Full Board	Delegate Authority to Executive Director or Program Administrator or Staff	Delegate to Board Counsel
Authority to sign Final Orders, Orders of Intent to Deny licensure, and Licensure with Conditions for the Chair.				XX – Executive Director	
Authority to approve monitors for supervision or continuing education courses required by Final Order.	XX				
Review of application history issues where a decision must be made to move forward with the application process or request a personal appearance as defined in 456.013(3)(c), F.S.	XX			XX – Staff - follow approved criminal guidelines	
Authority to grant continuances.	XX				
Approval of travel authorization if the timing of travel does not allow waiting for the next Board meeting.	XX				
Authority to require PRN evaluation.			XX		
Authority to accept Voluntary Relinquishments when no discipline is pending.				XX – Staff - enforcement history check prior to relinquishment	
Authority to approve applicants for licensure that meet the statutory and rule requirements. Ratified at next board meeting.				XX – Application Processors	

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Board of Respiratory Care
4052 Bald Cypress Way, Bin C05 • Tallahassee, Florida 32399-3255
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Situation	Delegate Authority to Board Chair	Delegate Authority to Full Board	Delegate Authority to Committee	Delegate Authority to Executive Director or Program Administrator	Delegate to Board Counsel
Changing a face-to-face meeting of the Board to a conference call consistent with noticing requirements. This is sometimes done in an emergency and travel would cause hardship or danger and/or a small agenda doesn't warrant travel expenditures.	XX				
Review and approval of CE providers and medical error courses with ratification at the next Board meeting.		XX – Education Liaison			
Authority to review and refer legally sufficient petitions for hearing to the Division of Administrative Hearings. Authority to notify petitioners, by letter, of legally insufficient hearing petitions and the right to cure deficiencies.					XX
Authority to review and refer legally sufficient petitions for declaratory statements to the Board. Authority to notify petitioners, by letter, of the need to submit any required additional information prior to consideration by the Board.					XX
Authority to review and refer legally sufficient petitions for variances or waivers to the Board. Authority to notify petitioners, by letter, of legally insufficient petitions.					XX
Authority to make technical changes to proposed rules in response to JAPC comments, without Board review. Substantive changes will be brought to the Board before changes are made.					XX

Approved: 1/6/12 Board of Respiratory Care Chair
Date

Signature

RRT AE-C
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